

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO. 3:08-CR-66-PLR</b>
	)	
<b>MICHAEL E. COLLINS, JR.</b>	)	

**MEMORANDUM AND ORDER**

This matter is before the court on defendant's *pro se* motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 124]. The government has responded that because defendant was sentenced as a career offender, Amendment 782 is inapplicable to reduce his sentence [R. 125].

Defendant was convicted of conspiracy to distribute and possess with intent to distribute one hundred grams or more of heroin. Defendant was sentenced to 120 months imprisonment. Defendant's guideline range was not based upon any drug quantity; it was based upon his career offender classification [R. 89]. Because defendant's guideline range was based on a career offender classification, which was not lowered by Amendment 782, defendant is not eligible for a sentence reduction under the Amendment. *See United States v. Payton*, 617 F.3d 911, 914 (6<sup>th</sup> Cir. 2010) (a defendant convicted of drug charges but sentenced as a career offender under USSG § 4B1.1 is not eligible for a reduction). Accordingly, defendant's motion for sentence reduction [R. 124] is **DENIED**.

**IT IS SO ORDERED.**

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**UNITED STATES DISTRICT JUDGE**